

DRAFT

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

18 DECEMBER 2001

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Council members Claudette Burroughs-White, Sandra G. Carmany, Florence Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, Donald R. Vaughan. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

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The Mayor opened the meeting with a moment of silence and the pledge of allegiance to the flag.

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The City Manager recognized Len Lucas, employee in the Internal Audit Division of the Executive Department, who served as courier for the meeting, and Sunni Kim, an intern in the internal audit office, who was attending the meeting.

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Mayor Holliday outlined the procedures for conduct of the meeting.

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After Councilmember Burroughs-White read into the record a resolution honoring the memory of the late Walter Ferdinand Carlson, Jr., Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

Councilmember Burroughs-White stated that because the family was not present, she would assure their receipt of the resolution.

235-01 RESOLUTION HONORING THE MEMORY OF THE LATE WALTER FERDINAND CARLSON, JR.

WHEREAS, on Friday, November 23, 2001, this community lost one of its outstanding musical leaders with the death of Walter F. Carlson, Jr.;

WHEREAS, Mr. Carlson spent his formative years in Winston Salem where he attended Atkins High School and went on to Laurinburg Institute; A&T College, now know as North Carolina Agricultural and Technical State University, earned a Masters in Music and Education from the University of Michigan, and continued post graduate studies at Columbia University;

WHEREAS, best known for his musical talent, Mr. Carlson played trumpet with The Farmers Association Band while attending high school; served in the US Navy from 1942-1945 as a trumpet player with the historic B-1 Navy Band; began serving as Director of Bands at A&T in 1946 where he served for 41 years and was a professor of music for six additional years before retiring in 1993;

WHEREAS, Mr. Carlson received the Teacher of the Year Award at NC A&T State University in 1982,

played a pivotal role in developing instrumental programs at Palmer Institute, Livingstone College, Bennett College and Tennessee State University, worked in the public schools of Alamance and Randolph Counties and touched the lives of thousands of students through his teaching and private tutoring;

WHEREAS, he was a member of Tau Omega Chapter of Omega Psi Phi Fraternity, Inc., Negro Airman International, Aircraft Owner and Pilots Association, Hayes Taylor YMCA Century Club, Hayes Taylor YMCA Golden Jewels, A&T Alumni Association, A&T National Alumni Band Association, Dixie Shores Association and B-1 Navy Band;

WHEREAS, Mr. Carlson was a devoted member of the Metropolitan United Methodist Church serving as a member of the Chancel Choir, United Methodist Men, Pastor Parish Relations Committee and Committee on Lay Leadership and brought joy and pleasure to many through his music in many church affiliations in the community;

WHEREAS, on behalf of the citizens of Greensboro, the City Council wishes to express to his family their profound sense of loss and respect for his memory.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro a deep sense of loss and a feeling of respect and gratitude for the life of Walter Ferdinand Carlson, Jr.
2. That a copy of this resolution shall be delivered by the family of the late Mr. Carlson as a memorial to his many accomplishments in this community.

(Signed) Yvonne Johnson

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Mayor Holliday read into the record and introduced a resolution honoring the City of Greensboro and Guilford County Public Safety Personnel. Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips, Vaughan. Noes: None. The Mayor presented copies of the resolutions Fire Chief Johnny Teeters and Police Chief Robert White and members of Greensboro Public Safety Staff who were present in the chamber were recognized.

236-01 RESOLUTION HONORING THE CITY OF GREENSBORO AND GUILFORD COUNTY PUBLIC SAFETY PERSONNEL

WHEREAS, North Carolina and the City of Greensboro enjoy a reputation for high quality services in law enforcement, fire fighting and emergency/rescue;

WHEREAS, recent events have caused Americans nationwide to more fully appreciate the dedication, selflessness, and extraordinary abilities of these men and women in protecting and contributing to our quality of life, as they provide assistance to both individuals and communities in times of crisis and need, frequently at the risk of their own personal safety and well being, sometimes making the ultimate sacrifice for their fellow citizens;

WHEREAS, even now, three months after the September 11<sup>th</sup> tragedy, many such professionals are toiling around the clock in New York City and Washington, D. C.;

WHEREAS, the City Council of the City of Greensboro greatly appreciates the services and dedication of these men and women, and wishes to express its pride, recognition, and appreciation for their services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That it hereby expresses its gratitude, recognition and admiration for all men and women who serve our community and country as police officers, fire fighters, and emergency and rescue personnel, as well as all other public safety personnel within our community.

A copy of this resolution shall be forwarded by the Clerk to members of the Guilford County Legislative Delegation.

(Signed) Sandy Carmany

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Mayor Holliday stated that this was the time and place set to for a public hearing to consider an ordinance annexing territory to the corporate limits located east of South Elm-Eugene Street, south of Vivian Lane, and north of relocated I-85 – 32.57 acres. He thereupon introduced so that these matters could be discussed together an ordinance establishing original zoning classification from County Zoning Agricultural and RS-30 Residential Single Family to City Zoning Conditional Use-Shopping Center for property located on the east side of South Elm-Eugene Street between Vivian Lane and the southern Urban Loop.

The Mayor administered an oath to those who wished to speak to these matters.

C. Thomas Martin, Planning Director, outlined details and spoke to conditions of the zoning request. He described a land use map, slides of the property and surrounding area and provided the following staff presentation:

#### REQUEST – ITEM 8

This request is to establish original zoning of property from County Zoning Agricultural and RS-30 Residential Single Family to City Zoning Conditional Use – Shopping Center.

The Agricultural District is primarily intended to accommodate uses of an agricultural nature including scattered non farm residences on large tracts of land.

The RS-30 District is primarily intended to accommodate single family detached dwellings on large lots at a density of 1.3 units per acre or less.

The Shopping Center District is primarily intended to accommodate a wide range of high intensity retail and service developments meeting the shopping needs of the community and the region.

#### CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) All those uses permitted in the SC District.
- 2) Access to the property will be limited to one full access location at the main access drive, plus two additional right turn-in/right turn-out driveways at locations approved by the Greensboro Department of Transportation and North Carolina Department of Transportation.
- 3) An additional lane will be provided along the east side of South Elm-Eugene Street between the primary access drive and Vivian Lane.
- 4) Right turn lanes will be provided along the east side of South Elm-Eugene Street at the southernmost right turn-in/right turn-out driveway and at the main access drive.
- 5) A center median will be provided in South Elm-Eugene Street from the main access drive to a point just north of the northernmost proposed access driveway, as approved by the Greensboro Department of Transportation and North Carolina Department of Transportation.
- 6) Modifications will be made by the developer in the proposed traffic signal at the South Elm-Eugene Street/main access drive intersection to accommodate the proposed development.
- 7) The Property will be developed in accordance with a master development plan which will

- 8) provide for cross-access among all parcels within the Property. Adjacent to the right-of-way of the ramp for the southern loop, there will be provided an earthen berm at least 25 feet in width and of a height of at least 5 feet above the ramp pavement. Within this buffer there will be plantings at a rate of 3 canopy shade trees, 4 evergreen canopy trees, and 3 evergreen understory trees for each 100 linear feet.

#### DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 32.6 acres and is located on the east side of South Elm-Eugene Street between Vivian Lane and the Southern Urban Loop.

|                  | <u>Zoning</u>  | <u>Land Use</u>   |
|------------------|----------------|---|
| Subject Property | AG & RS-30     | Mostly vacant – two single family dwellings             |
| North            | CU-RM-12<br>AG | Vacant land<br>Single family dwelling                   |
| East             | AG             | Single family dwelling & vacant land                    |
| South            | AG, LI         | Urban Loop  |
| West             | CU-SC<br>RS-30 | Vacant land & vacant dwelling<br>Single family dwelling |

Mr. Martin stated that the Planning Department and Zoning Commission had recommended approval of the request.

The following speakers spoke in favor of the zoning request.

Charlie Melvin, attorney with offices located at 300 North Greene Street, stated that in his opinion, due to proximity and contiguity to planned southern loop road construction this proposal would allow best use of the property. He noted that a transportation study had been conducted and stated those recommendations had been included in the conditions of the proposal. Mr. Melvin requested amending the proposal to include the following two additional conditions: “In the event that a watershed pond is constructed in the vicinity of the residence located on the adjacent property to the east, the pond shall be enclosed with a fence and the portion of the fence in closest proximity to the residence will be constructed of wood.” and “Exterior lighting on the Property will be shielded from the existing residence located east of and adjacent to the Property.”

Roy Carroll, with offices located at 404-B North Eugene Street, spoke to the work of Carroll Investments and the Windmere Homes built by the developer. He presented for illustrative purposes, a photo of the site plan, as it would look from the perspective of the future Urban Loop highway in accordance with the proposed plan.

The following speakers spoke in opposition to the rezoning request.

Michael Yow, residing at 124 Vivian Lane; Jacqueline Koonce, residing at 100 Old Treybrooke Drive; and Charles Ulmer, residing at 131 Vegan Lane; presented slides and outlined their concerns with respect to traffic, amount of buffer, proximity of the proposed retention pond, potential mosquito problems, impact on wildlife, tree loss, noise, and light that could affect their comfort and property values. They requested Council to deny the request.

Speaking in rebuttal in favor of the proposal, Charlie Melvin noted the proposed thirty foot planting yard condition, shared his perceptions of Mr. Carroll’s past efforts to address the concerns of property owners. He stated he believed traffic concerns would be appropriately addressed and noted that the City’s ordinance would address concerns with respect to the pond maintenance in terms of mosquito control.

Mr. Carroll advised that he had met with neighbors to address concerns about lighting, fencing and the

pond.

Speaking in rebuttal in opposition to the proposal, Mr. Yow presented pictures of his property and disputed statements made by the proponents with respect to characteristics of his property and the potential impact of the proposal.

Councilmember Vaughan thereupon moved to close the public hearing. The motion was seconded by Councilmember Perkins and unanimously adopted by voice vote of the Council.

Mr. Martin read the following staff recommendation:

Item 8 – South Elm-Eugene Street/Urban Loop

The Planning Department recommends that this original zoning proposal be approved.

There is a substantial area zoned CU-SC on the opposite side of South Elm-Eugene Street.

The subject property is located at a major interchange with the Urban Loop.

This is a good location for a commercial development designed to serve the shopping needs of the community and the region.

A Traffic Impact Study was prepared and approved by GDOT.

Transportation impacts associated with this proposal have been mitigated by the proposed conditions.

Following brief discussion, Councilmember Vaughan moved that the ordinance be amended to include the following conditions: “In the event that a watershed pond is constructed in the vicinity of the residence located on the adjacent property to the east, the pond shall be enclosed with a fence and the portion of the fence in closest proximity to the residence will be constructed of wood.” and “Exterior lighting on the Property will be shielded from the existing residence located east of and adjacent to the Property.” The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Councilmember D. Vaughan thereupon moved the ordinance annexing territory to the corporate limits (located east of South Elm Eugene Street, south of Vivian Lane, and north of relocated I-85- 32.57 acres). The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

01-228 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED EAST OF SOUTH ELM-EUGENE STREET, SOUTH OF VIVIAN LANE, AND NORTH OF RELOCATED I-85 – 32.57 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing city limits (as of September 30, 2001) of the City of Greensboro, said point being in the western right-of-way line of South Elm-Eugene Street; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in an easterly direction across South Elm-Eugene Street and along the southern right-of-way line of Vivian Lane approximately 675 feet to a point; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and continuing in an easterly direction along said southern right-of-way line approximately 242 feet to an existing iron pin at the northwest corner of the property now or formerly of Michael Yow; thence S 02° 22' 05" E 1227.30 feet along Yow's western line to an existing iron pin at Yow's southwest corner; thence S 88° 54' 38" E 234.19 feet to an existing iron pin and a corner of the property now or formerly of Vivian Humble; thence S 00° 18' 33" W 334.37 feet along Humble's western line to a point; thence continuing along said Humble line S 00° 15' 55" W 333.08 feet to a point; thence N 89° 03' 28" W 97.41 feet to a point in the northern right-of-way line of the off-ramp for Interstate 85

Bypass; thence along said right-of-way line N 76° 42' 48" W 77.27 feet and N 75° 30' 19" W 607.18 feet to the intersection of said right-of-way line and the eastern right-of-way line of South Elm-Eugene Street; thence in a westerly direction approximately 160 feet, crossing South Elm-Eugene Street, to a corner in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a northerly direction 1087.8 feet to a corner in the existing city limits; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and continuing in a northerly direction along the western right-of-way line of South Elm-Eugene Street approximately 650 feet to the point and place of BEGINNING, and containing approximately 32.57 acres, of which 28.722 acres lie outside of street right-of-way.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after February 28, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 4/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after February 28, 2002.

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Councilmember D. Vaughan thereupon moved that the two conditions be added to the proposal amending official zoning map and authorizing issuance of conditional use permit for the east side of South Elm-Eugene Street between Vivian Land and the Southern Urban Loop as requested by Mr. Melvin. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of the Council.

Following brief discussion, Councilmember D. Vaughan moved to close the public hearing. The motion was seconded by Councilmember Carmany.

Councilmember Phillips thereupon moved that the ordinance amending official zoning map and authorizing issuance of conditional use permit east side of South Elm Eugene Sreet between Vivian Lane and the Southern Urban Loop be adopted as amended based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the potential commercial uses of this property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because there presently is a substantial area zoned Conditional Use – Shopping Center opposite this tract.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because traffic impacts associated with the development have been mitigated by the proposed conditions and because this property is located at a major interchange of the Urban Loop.

The motion was seconded by Councilmember Vaughan. The ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips, Vaughan. Noes: None.

01-229 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

EAST SIDE OF SOUTH ELM-EUGENE STREET BETWEEN VIVIAN LANE AND THE SOUTHERN URBAN LOOP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural and RS-30 Residential Single Family to City Zoning Conditional Use – Shopping Center (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the existing city limits (as of September 30, 2001) of the City of Greensboro, said point being in the western right-of-way line of South Elm-Eugene Street; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in an easterly direction across South Elm-Eugene Street and along the southern right-of-way line of Vivian Lane approximately 675 feet to a point; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and continuing in an easterly direction along said southern right-of-way line approximately 242 feet to an existing iron pin at the northwest corner of the property now or formerly of Michael Yow; thence S 02° 22' 05" E 1227.30 feet along Yow's western line to an existing iron pin at Yow's southwest corner; thence S 88° 54' 38" E 234.19 feet to an existing iron pin and a corner of the property now or formerly of Vivia Humble; thence S 00° 18' 33" W 334.37 feet along Humble's western line to a point; thence continuing along said Humble line S 00° 15' 55" W 333.08 feet to a point; thence N 89° 03' 28" W 97.41 feet to a point in the northern right-of-way line of the off-ramp for Interstate 85 Bypass; thence along said right-of-way line N 76° 42' 48" W 77.27 feet and N 75° 30' 19" W 607.18 feet to the intersection of said right-of-way line and the eastern right-of-way line of South Elm-Eugene Street; thence in a westerly direction approximately 160 feet, crossing South Elm-Eugene Street, to a corner in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a northerly direction 1087.8 feet to a corner in the existing city limits; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and continuing in a northerly direction along the western right-of-way line of South Elm-Eugene Street approximately 650 feet to the point and place of BEGINNING, and containing approximately 32.57 acres, of which 28.722 acres lie outside of street right-of-way.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) All those uses permitted in the SC District.
- 2) Access to the property will be limited to one full access location at the main access drive, plus two additional right turn-in/right turn-out driveways at locations approved by the Greensboro Department of Transportation and North Carolina Department of Transportation.
- 3) An additional lane will be provided along the east side of South Elm-Eugene Street between the primary access drive and Vivian Lane.
- 4) Right turn lanes will be provided along the east side of South Elm-Eugene Street at the southernmost right turn-in/right turn-out driveway and at the main access drive.
- 5) A center median will be provided in South Elm-Eugene Street from the main access drive to a point just north of the northernmost proposed access driveway, as approved by the Greensboro Department of Transportation and North Carolina Department of Transportation.
- 6) Modifications will be made by the developer in the proposed traffic signal at the South Elm-Eugene Street/main access drive intersection to accommodate the proposed development.
- 7) The Property will be developed in accordance with a master development plan which will provide

- for cross-access among all parcels within the Property.
- 8) Adjacent to the right-of-way of the ramp for the southern loop, there will be provided an earthen berm at least 25 feet in width and of a height of at least 5 feet above the ramp pavement. Within this buffer there will be plantings at a rate of 3 canopy shade trees, 4 evergreen canopy trees, and 3 evergreen understory trees for each 100 linear feet.
- 9) In the event that a watershed pond is constructed in the vicinity of the residence located on the adjacent property to the east, the pond shall be enclosed with a fence and the portion of the fence in closest proximity to the residence will be constructed of wood.
- 10) Exterior lighting on the Property will be shielded from the existing residence located east of and adjacent to the Property.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits (located at Penry Road and Burlington Road- 80.8 acres); he thereupon introduced so that these matters could be discussed together, an ordinance amending official zoning map southwest intersection of East Wendover Avenue and Burlington Road and an ordinance amending official zoning map and authorizing issuance of conditional permit northeast intersection of Burlington Road and Penry Road.

Mr. Martin outlined details of the proposals and presented a land use map and slides of the properties and surrounding area. He stated that the Planning Board recommended approval of the proposals.

The Mayor asked if anyone wished to speak to these matters. There being no one present who wished to be heard, Mr. Martin provided the following staff presentation:

#### REQUEST – ITEM 11

This request is to establish original zoning of property from County Zoning Agricultural, Heavy Industrial and Conditional Use – Light Industrial to City Zoning Conditional Use – Light Industrial.

The Agricultural District is primarily intended to accommodate uses of an agricultural nature including nonfarm residences on large tracts of land.

The Heavy Industrial District is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities.

The Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities.

The existing County Conditional Use – Light Industrial District contains the conditions which are listed on the agenda and in the copy of the staff presentation:

- 1) Uses: All uses permitted in LI District except for billboards.
- 2) Expanded turn lane on Penry Road as shown on the sketch plan.



- 3) Single drive access from US 70 as shown on the sketch plan.
- 4) Landscaping and berm to be installed in Phase II as shown on the sketch plan.

#### CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses: All uses permitted in LI District except for billboards.
- 2) Expanded turn lane on Penry Road as shown on the sketch plan.
- 3) Single drive access from US 70 as shown on the sketch plan.
- 4) Landscaping and berm to be installed in Phase II as shown on the sketch plan.

#### DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 65.5 acres and is located at the northeast intersection of Burlington Road and Penry Road.

|                  | <u>Zoning</u>        | <u>Land Use</u>   |
|------------------|----------------------|---|
| Subject Property | AG, HI<br>CU-LI      | Street right-of-way<br>Mostly vacant land   |
| North            | CU-LI                | K-Mart Distribution Center  |
| East             | RS-30<br>CU-SC<br>LI | Several single family dwellings<br>Vacant land<br>Women's clothing sales and diesel repair business |
| South            | HI                   | Greensboro Auto Parts & used car lot  |
| West             | LI                   | Vacant land   |

Mr. Martin stated that the Planning Department and Zoning Commission recommended approval of the request.

Following brief discussion, Councilmember D. Vaughan moved to close the public hearing. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Councilmember Johnson thereupon moved adoption of the ordinance annexing territory to the corporate limits located at Penry Road and Burlington Road 80.8 acres. The motion was seconded by Councilmember Phillips. The ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 01-230 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS LOCATED AT PENRY ROAD AND BURLINGTON ROAD – 80.8 ACRES

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing city limits (as of September 30, 2001) of the City of Greensboro, said point being in the northern right-of-way line\* of East Wendover Avenue; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in an easterly direction along said northern right-of-way line approximately 1700 feet to a point in the western right-of-way line of Penry Road; thence in a northerly direction along said western right-of-way line approximately 1270 feet to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in an easterly direction approximately 70 feet, crossing Penry Road, to a point in its eastern right-of-way line; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a southerly direction along said right-of-way line approximately 283 feet to a set pin at its intersection with the south line of Lot 1 shown on plat of Kmart Corporation, recorded in Plat Book 106, Page 106 in the Office of the Register of Deeds of Guilford County; thence S 88° 43' 44" E

2522.08 feet along the south line of said Lot 1 to an existing iron pipe in the west line of the property of Robert Harrell described in Deed Book 262, Page 275; thence S 02° 11' 41" W 426.99 feet along said western line to an existing stone at the southwest corner of said Harrell property and the northwest corner of the property of Bryant Properties, recorded in Plat Book 82, Page 50; thence continuing S 02° 11' 41" W 586.35 feet along the west line of Bryant Properties and the west line of Marcus and Sheera McCraw described in Deed Book 4604, Page 2195 to a set pin at the northeast corner of a 30-foot right-of-way (unopened); thence with the northern right-of-way line of said unopened street N 84° 30' 55" W 737.76 feet to a set pin at the northwest corner of said 30-foot right-of-way; thence S 18° 47' 05" W 30.95 feet along the western end of said right-of-way to an existing iron pipe at the northwest corner of the property of Benjamin and Brenda Eller described in Deed Book 3280, Page 400; thence continuing S 18° 47' 05" W 133.38 feet with Eller's west line to an existing iron pipe at Eller's southwest corner and the northwest corner of property of said Benjamin S. Eller; thence continuing S 18° 47' 05" W 174.87 feet with Eller's west line to an existing NCDOT concrete right-of-way monument in the northern right-of-way line of Burlington Road, said concrete monument being located S 87° 28' 42" E 353.60 feet from City of Greensboro Control Monument 59E 200, said monument having NAD 83 values of North = 851304.7441 feet and East = 1787149.7949 feet; thence continuing S 18° 47' 05" W approximately 130 feet, crossing Burlington Road, to a point on the southern right-of-way line of Burlington Road; thence in a westerly direction along said southern right-of-way line approximately 2100 feet to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a northerly direction approximately 350 feet to a corner in the existing city limits; thence N 71° 02' 50" E 242.96 feet to a point in the southern right-of-way line of East Wendover Avenue; thence in a westerly direction along said southern right-of-way line approximately 1450 feet; thence in a northerly direction, crossing East Wendover Avenue, approximately 120 feet to the point and place of BEGINNING, and containing approximately 80.8 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after February 28, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 4/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after February 28, 2002.

(Signed) Yvonne Johnson

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Councilmember Phillips thereupon moved adoption of the ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family and Light Industrial to City Zoning Light Industrial uses at the area of the southwest intersection of East Wendover Avenue and Burlington Road. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

SOUTHWEST INTERSECTION OF EAST WENDOVER AVENUE AND BURLINGTON ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family and Light Industrial to City Zoning Light Industrial uses for the area described as follows:

BEGINNING at a point in the existing city limits (as of September 30, 2001) of the City of Greensboro, said point being in the northern right-of-way line\* of East Wendover Avenue; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in an easterly direction along said northern right-of-way line approximately 1700 feet to a point in the western right-of-way line of Penry Road; thence in a southerly direction along said western right-of-way line approximately 500 feet to a point on the southern right-of-way line of Burlington Road; thence in a westerly direction along said southern right-of-way line approximately 400 feet to a point in the existing city limits;

THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a northerly direction approximately 350 feet to a corner in the existing city limits; thence N 71° 02' 50" E 242.96 feet to a point in the southern right-of-way line of East Wendover Avenue; thence in a westerly direction along said southern right-of-way line approximately 1450 feet to the point and place of BEGINNING.

\* The term "right-of-way" as used throughout this description includes both right-of-way and land held in fee simple by state or local government for road purposes.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Councilmember D. Vaughan thereupon moved adoption of the ordinance establishing original zoning classification from County Zoning Conditional Use- Light Industrial to City Zoning Conditional Use-Light Industrial for property located at the northeast intersection of Burlington Road and Penry Road based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no known health or safety concerns inherent in the proposed zoning classification of this tract.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because this property is almost completely surrounded by existing industrial zoning.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this request carries forth the same zoning designation with the same conditions that currently exist under County Zoning.

The motion was seconded by Councilmember Carmany. The ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

01-231 A AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

NORTHEAST INTERSECTION OF BURLINGTON ROAD AND PENRY ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural, Heavy Industrial and Conditional Use – Light Industrial to City Zoning Conditional Use – Light Industrial (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the existing city limits (as of September 30, 2001) of the City of Greensboro, said point being in the eastern right-of-way line\* of Penry Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a southerly direction along said right-of-way line approximately 283 feet to a set pin at its intersection with the south line of Lot 1 shown on plat of Kmart Corporation, recorded in Plat Book 106, Page 106 in the Office of the Register of Deeds of Guilford County; thence S 88° 43' 44" E 2522.08 feet along the south line of said Lot 1 to an existing iron pipe in the west line of the property of Robert Harrell described in Deed Book 262, Page 275; thence S 02° 11' 41" W 426.99 feet along said western line to an existing stone at the southwest corner of said Harrell property and the northwest corner of the property of Bryant Properties, recorded in Plat Book 82, Page 50; thence continuing S 02° 11' 41" W 586.35 feet along the west line of Bryant Properties and the west line of Marcus and Sheera McCraw described in Deed Book 4604, Page 2195 to a set pin at the northeast corner of a 30-foot right-of-way (unopened); thence with the northern right-of-way line of said unopened street N 84° 30' 55" W 737.76 feet to a set pin at the northwest corner of said 30-foot right-of-way; thence S 18° 47' 05" W 30.95 feet along the western end of said right-of-way to an existing iron pipe at the northwest corner of the property of Benjamin and Brenda Eller described in Deed Book 3280, Page 400; thence continuing S 18° 47' 05" W 133.38 feet with Eller's west line to an existing iron pipe at Eller's southwest corner and the northwest corner of property of said Benjamin S. Eller; thence continuing S 18° 47' 05" W 174.87 feet with Eller's west line to an existing NCDOT concrete right-of-way monument in the northern right-of-way line of Burlington Road, said concrete monument being located S 87° 28' 42" E 353.60 feet from City of Greensboro Control Monument 59E 200, said monument having NAD 83 values of North = 851304.7441 feet and East = 1787149.7949 feet; thence continuing S 18° 47' 05" W approximately 130 feet, crossing Burlington Road, to a point on the southern right-of-way line of Burlington Road; thence in a westerly direction along said southern right-of-way line approximately 1700 feet to its intersection with the southward projection of the western right-of-way line of Penry Road; thence in a northerly direction with said projection and said western right-of-way line approximately 1800 feet to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in an easterly direction approximately 70 feet, crossing Penry Road, to the point and place of BEGINNING.

\* The term "right-of-way" as used throughout this description includes both right-of-way and land held in fee simple by state or local government for road purposes.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All uses permitted in LI District except for billboards.
- 4) Expanded turn lane on Penry Road as shown on the sketch plan.
- 5) Single drive access from US 70 as shown on the sketch plan.
- 4) Landscaping and berm to be installed in Phase II as shown on the sketch plan.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Donald R. Vaughan

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from Conditional Use-RS-12 Residential Single Family to Conditional Use-Public and Institutional for property located at the southeast intersection of Hobbs Road and Price Park Road. He stated this matter was being heard on appeal filed by Peggy Abernathy after receiving a vote of 7 to 1, with one abstention, by the Zoning Commission to recommend approval of the rezoning.

Mr. Martin outlined the request and its conditions. He presented a land use map and slides of the property and surrounding area and advised Council that the corresponding map in their agenda packets needed to reflect RS20 instead of RS12.

The Mayor administered the oath to those who wished to speak to this matter.

The following speakers spoke in favor of the proposal:

Richard Gray, residing at 6 Saint Francis Court, spoke on behalf of Friends of the Library and other supporters to request approval of the proposal. Mr. Gray introduced leading proponents of the rezoning and spoke to their roles in the process; he requested citizens in support of the proposal who were present in the chamber to stand. A large number of citizens stood to show their support.

Palmer Smith MacIntyre, Executive Director of the Piedmont Land Conservancy, residing at 709 Northridge Street, spoke to the conditions under which the park land was donated. She noted that an amendment to the easement agreement would permit a library facility and would protect the park in terms of the donation agreement.

Steve Freyaldenhafen, residing at 3309 Madison Avenue, stated he was a principal in the architectural firm who had submitted site plans for the proposal. He provided information and outlined the proposal. He explained for illustrative purposes, how the site plan could meet the conditions of the proposal.

Rose Marie Ponton, residing at 17 C Fountain Manor Drive, stated she was chair of the Greensboro Parks and Recreation Commission. She noted that Library Director Sandy Neerman had introduced the idea of developing a library branch at the site that would have an environmental emphasis in a natural partnering between the Parks and Recreation Department, Libraries Department and area neighborhoods. She proposed that environmental educational programs such as nature hikes and study of plants on lakes and trails could be incorporated into programs at the library and would serve to fulfill goals of the 20 year Parks and Recreation Master Plan. She requested Council to approve the proposal.

Dorothy Kerwin, residence unknown, spoke to her involvement in civic and community organizations. She submitted to Council a copy of the petition in favor of the proposal, that neighbors had submitted to the Zoning Commission. She summarized the outcome of the petition canvassing effort and requested neighbors of the Robin Ridge neighborhood association to stand. She stated that in her opinion, the library would be a benefit to many citizens and requested Council to approve the request.

Tom Heldreth, residing at 212 Meadowood Road, spoke to his family's experience living on the property adjacent to the former Jefferson Pilot Club property and his support of developing the club house into a municipal library.

The following speakers spoke in opposition to the proposal:

Peggy Abernathy, residing at 802 Jefferson Wood Lane, expressed her disagreement with the proposal. Ms. Abernathy cited various concerns including accessibility to those relying on public transportation and potential lighting, security and safety issues. She suggested that Council explore various other alternatives and deny the request.

Mike Solomon, residing at 803 Jefferson Wood Lane, expressed appreciation to the Bryan Foundation for the donation of the land to the City for use as a park. He shared his concerns with respect to safety because of the proximity of the site to the lake and requested consideration of alternative sites including the adjacent elementary school.

Linda Ragsdale, residing at 5608 Fleming Terrace, expressed her concern with respect to potential impact on wildlife habitat destruction. She urged Council to delay their decision and to consider alternative sites.

The following speakers spoke in rebuttal to the opponents:

Mr. Gray spoke to previous communications with the Chairman of the School Board and General Counsel of United Guaranty Insurance Corp.; he advised that facts regarding safety had not been presented.

Connie Joe, residing at 5601 Belvidere Place, shared her opinions with respect to her support for the project and the responsibility of parents to supervise their children.

Dorothy Kerr, residing at 4 Belvidere Court, invited opponents and Council members to attend Library Advisory Committee meetings; she advised that issues of concern had been discussed at these meetings prior to recommendation of the proposal.

The following speakers spoke in rebuttal and opposition to the proposal.

Ms. Abernathy reiterated concerns expressed earlier.

Mr. Solomon proposed that the library be located at the site of the elementary school adjacent to the park.

Assistant City Manager Mitchell Johnson discussed the City's past efforts to evaluate the school site; the basis for the conclusion that this was not a viable option; and why in staff's opinion, the Club House was most suitable option for the location of the library.

Councilmember Burroughs-White moved to close the public hearing. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of the Council.

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The Mayor declared a recess at 8:07 p.m.

The meeting reconvened with all members present at 8:22 p.m.

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Mr. Martin provided the following staff recommendation:

#### REQUEST – ITEM 12

This request is to rezone property from Conditional Use – RS-12 to Conditional Use – Public and Institutional.

The RS-12 District is primarily intended to accommodate single family detached dwellings at a density of 3.0 units per acre or less.

The Public and Institutional District is primarily intended to accommodate mid- and large-sized public, quasi-public, and institutional uses which have a substantial land use impact or traffic generation potential.

The existing Conditional Use – RS-12 District contains the conditions which are listed on the agenda and in the copy

of the staff presentation:

- 1) All uses permitted in the “RS-12” District.
- 2) No more than one (1) access point on New Garden Road at a location approved by the Greensboro Department of Transportation and the North Carolina Department of Transportation.
- 3) As required by the North Carolina Department of Transportation or the Greensboro Department of Transportation, dedication and construction shall be provided of two northbound through lanes from the southernmost property line of the Property in a northerly direction along the entire frontage of the Property on New Garden Road.
- 4) Since a landscaped median is planned for New Garden Road, there shall be provided one half (but in no event more than 12 feet) of the median from the southern property line on the Property extending in a northerly direction to the northern boundary of the property.
- 5) A minimum of 75 acres shall be limited to common areas, open space, parks and recreational facilities with the main existing lake to be maintained as a water quality facility as well as an amenity.
- 6) No more than 2 access points on Jefferson Road at locations approved by the Greensboro Department of Transportation and the North Carolina Department of Transportation.
- 7) A parcel of land at the southwest corner of the Property consisting of approximately 26 acres shall be dedicated to the Guilford County School Board provided that the Guilford County School Board agrees to the construction thereon of a public school facility.
- 8) A master development plan shall be submitted for the entire tract of land of which this property is a portion. In addition, when the City of Greensboro makes available traffic counts taken subsequent to the opening of Bryan Boulevard, a revised transportation impact analysis will be obtained utilizing these counts and the land use plan which will be permitted by the rezoning of the entire tract of land of which this property is a portion.
- 9) The dividing line between this zoning district and the CU-GO-M zoning district to the north may shift by no more than 30 feet as a part of approval of a site plan for the property by the City of Greensboro and the intensity of development shall be adjusted accordingly.

#### CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses limited to principal and accessory park uses, and one branch library and its accessory uses.
- 2) Access limited to Price Park Road.
- 3) Branch library shall be constructed in the general area of the existing Clubhouse and shall consist of a maximum 15,000 square foot building footprint.
- 4) Lighting installed in the area around the branch library shall be positioned in a way that creates the minimum disturbance and light pollution on the surrounding natural areas.
- 5) The slope along the common area pond will be protected. Any land disturbance will not go beyond the top of the slope in an eastward direction.
- 6) No parking lot will be allowed to extend beyond the eastern/southeastern zoning line.
- 7) The area between the stream and Price Park Road will be limited to use for open space and signage.
- 8) No dumpster or loading docks will be located along the eastern side of the building and/or within 100 feet of the southeast corner of the zoning line.

#### DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 14.4 acres and is located at the southeast intersection of Hobbs Road and Price Park Road.

|                  | <u>Zoning</u> | <u>Land Use</u>                                |
|------------------|---------------|--|
| Subject Property | CU-RS-12      | Former Jefferson-Pilot Clubhouse & vacant land |

|       |                     |   |
|-------|---------------------|---|
| North | CU-GO-M<br>CU-RS-12 | Vacant land<br>Vacant land                |
| East  | CU-RS-12            | Pond                                      |
| South | CU-RS-12            | Vacant land                               |
| West  | CU-RS-12            | Vacant land & Jefferson Elementary School |

Mr. Martin stated that the Planning Department and the Zoning Commission had recommended approval of the request.

In response to safety concerns raised earlier in the meeting, Mr. Martin noted that ponds and lakes located in parks and on other City properties were considered safe for children. He advised that the pond at the library site would be consistent with other ponds and lakes in terms of meeting safety criteria.

Council discussed various aspects of safety considerations and expressed thanks to Kay Edwards for donating the Park Land and Club House to the City. Councilmember Burroughs-White thereupon moved adoption of the ordinance rezoning from Conditional Use-RS-12 Residential Single Family to Conditional Use-Public and Institutional for property located at the southeast intersection of Hobbs Road and Price Park Road based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed use of the property for a branch library.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because conditions have been proposed which limit access, lighting, parking lot, dumpster, and loading dock location.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this tract offers a centrally located site that will provide library services to this extended area of the City.

The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips, Vaughan. Noes: None.

#### 01-232 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

#### SOUTHEAST INTERSECTION OF HOBBS ROAD AND PRICE PARK ROAD

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Conditional Use – RS-12 Residential Single Family to Conditional Use – Public and Institutional (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point near the intersection of the western right-of-way line of Price Park Road and the southern right-of-way line of Hobbs Road; thence S57°39'34"E 265.04 feet to a point; thence along a curve to the left a chord bearing and distance S74°50'30"E 330.86 feet to a point; thence N87°58'35"E 130.00 feet to a point; thence S05°07'51"W 59.12 feet to a point; thence S34°57'21"W 191.49 feet to a point;



thence S14°52'49"E 109.57 feet to a point; thence S44°08'38"E 95.61 feet to a point; thence S10°57'31"E 55.96 feet to a point; thence S35°49'56"E 48.78 feet to a point; thence S53°20'17"E 100.00 feet to a point; thence S64°03'45"W 267.24 feet to a point; thence S07°29'53"W 226.36 feet to a point; thence N72°52'40"W 356.43 feet to a point; thence N14°58'26"E 127.15 feet to a point; thence N48°34'34"W 736.10 feet to a point; thence N49°09'02"E 533.14 feet to the point and place of BEGINNING, according to the boundary survey prepared by Evans Engineering, Inc. dated March 8, 1999 (Rev. 3-19-99) and being a portion of Lot 4 as recorded in Deed Book 764, Page 161 and being a portion of Lot 5 as recorded in Deed Book 764, Page 161 as shown on plat thereof entitled "Final Plat, Lots #4&5 (Park Options), said plat being recorded in Plat Book 132, Pages 60 and 61 in the Office of the Guilford County Register of Deeds.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses limited to principal and accessory park uses, and one branch library and its accessory uses.
- 2) Access limited to Price Park Road.
- 3) Branch library shall be constructed in the general area of the existing Clubhouse and shall consist of a maximum 15,000 square foot building footprint.
- 4) Lighting installed in the area around the branch library shall be positioned in a way that creates the minimum disturbance and light pollution on the surrounding natural areas.
- 5) The slope along the common area pond will be protected. Any land disturbance will not go beyond the top of the slope in an eastward direction.
- 6) No parking lot will be allowed to extend beyond the eastern/southeastern zoning line.
- 7) The area between the stream and Price Park Road will be limited to use for open space and signage.
- 8) No dumpster or loading docks will be located along the eastern side of the building and/or within 100 feet of the southeast corner of the zoning line.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Claudette Burroughs-White

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-40 Residential Single Family to RS-12 Residential Single Family for property located on the west side of Lake Brandt Road between Quaker Landing Road and Brandt Forest Court. He stated this matter was being heard on appeal filed by Chris Roth and Jim Branyon after the Zoning Commission recommended denial of the request by a vote of 7 to 1 with one abstention.

Mr. Martin outlined details of the request, presented a land use map and slides of the surrounding area, and stated the Zoning Commission had voted in favor of the request .

The Mayor asked if anyone wished to speak to this matter.

The following individuals spoke in favor of the request:

Worth Holleman, attorney with offices located at 235 North Edgeworth Street, stated he represented Jim Millican, of Millican Construction Company. He provided detailed information to Council which he noted was for illustrative purposes.

Regina Carbone, residing at 5106 Quaker Landing Court, stated that her property was adjacent to the subject property and that based on communication with the developer, she was in favor of the proposal.

The following speakers spoke in opposition to the proposal:

Chris Roth, residing at 2525 Brandt Forrest Court voiced concerns about potential negative impacts on area property values from fencing and back or side yard exposure to the street. The Mayor noted that the zoning case would not consider the fencing on property frontages.

Christi Ruhlman, residing at 2530 Brandt Forest Court, outlined his understanding of the proposal and expressed concern with the rear of home exteriors facing the road and discussed verbal agreements which he purported could not be obtained in written terms. Councilmembers noted several existing developments with back yards facing roads.

Following additional discussion by Council, Mr. Martin provided the following staff recommendation.

#### Item 13 – Lake Brandt Road

The Planning Department recommends that this request be approved.

The first two hundred feet of this property is already zoned RS-12 and there is extensive RS-12 zoning on the opposite side of Lake Brandt Road.

Furthermore, although zoned CU-PDR, many of the lots in Guilford Greene are in the 12,000 square foot range.

Therefore, this request is very compatible with existing adjacent and nearby single family zoning.

Councilmember Vaughan thereupon moved to close the public hearing. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council.

Councilmember Phillips thereupon moved adoption of the ordinance. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 01-233 AMENDING OFFICIAL ZONING MAP

WEST SIDE OF LAKE BRANDT ROAD BETWEEN QUAKER LANDING ROAD AND BRANDT FOREST COURT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-40 Residential Single Family to RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at a point, said point being located N83°28'00"W 262.47 feet from a point in the centerline of Lake Brandt Road, said point being in the line of Guilford Greene Subdivision; thence from said point of BEGINNING N83°28'00"W 541.19 feet to a point; thence N03°35'00"E 811.50 feet to a point; thence S81°55'00"E 889.50 feet to a point; thence S02°47'00"W 134.00 feet to a point; thence S82°17'00"E 136.73 feet to a point on an existing zoning line; thence with said existing zoning line S35°20'W 728.37 feet to the point and place of BEGINNING, containing approximately 14.33 acres, being a portion of the property described in Deed Book 963, Page 41 in the Office of the Guilford County Register of Deeds, and shown on "Rezoning Sketch Millican Construction Co. Lake Brandt Road" prepared by Hugh Creed Associates, Inc. and dated 11-6-01.

(Signed) Thomas M. Phillips

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from General Business RS-7 Residential Single Family and RM-18 Residential Multifamily to Conditional Use – Planned Unit Development – Infill for property located at the northwest intersection of West Friendly Avenue and Westover Terrace. He stated this matter was being heard on appeal filed by Jeffrey T. Nimmer after receiving a vote of 6-2 by the Zoning commission to recommend denial of the zoning request.

The Mayor administered the oath to those who wished to speak to this matter.

Mr. Martin outlined details of the request, presented a land use map and slides of the surrounding area, and stated the Zoning Commission had voted in favor of the request. He provided the following staff presentation.

#### REQUEST – ITEM 14

This request is to rezone property from General Business, RS-7 Residential Single Family and RM-18 Residential Multifamily to Conditional Use – Planned Unit Development – Infill.

The General Business District is primarily intended to accommodate a wide range of retail, service, and office uses.

The RS-7 District is primarily intended to accommodate single family detached dwellings at a density of 5.0 units per acre or less.

The RM-18 District is primarily intended to accommodate multifamily uses at a density of 18.0 units per acre or less.

The Conditional Use – Planned Unit Development – Infill District is intended to accommodate residential, commercial, office, and neighborhood business uses developed on small tracts of land as infill development within currently built up areas in accordance with a Unified Development Plan.

#### CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) All uses allowed in CU-PDI exclusive of restaurants with drive-through service or bars or nightclubs.
- 2) There will be no curb cuts on Westover Terrace.
- 3) The principal building will be a maximum of two stories and made primarily out of brick, in the early 20<sup>th</sup> century style. Windows and doors will be in keeping in appearance with the period and bordered by stone or pre-cast concrete.
- 4) The first floor of the principal building will be used exclusively for a sit-down restaurant. The second floor will be used exclusively as office space. The restaurant entrance will face Friendly Avenue, and the entrance to the second story office space will be at the back of the building facing north. The roof will be obscured from view by the façade of the building.
- 5) No building will reach a height greater than 34 feet.
- 6) The building setback line from Westover Terrace will be a minimum of 20 feet and a maximum of 25 feet. The building setback line from Friendly Avenue will be a minimum of 20 feet and a maximum of 25 feet. The minimum building setback from the northern property line will be 5 feet (due to existing building) and the minimum building setback from the alley property line will be 25 feet.
- 7) Lightpoles will not exceed a height of 15 feet and will be designed to be in keeping with the period of the neighborhood. Light will be directed downward and away from residential areas.
- 8) A brick wall with a maximum height of 4 feet will be constructed from a point approximately 65 feet from the northeast corner of the property for a distance of approximately 140 feet along Westover Terrace. This wall will not enclose the house located at 209 Westover Terrace.

- 9) Freestanding signs shall be limited to a maximum of 12 feet in height and will have a decorative base. Other signage shall meet GB requirements.
- 10) In addition to the signage highlighted in #9, one wall-mounted sign designed for the 4-foot wall that will run along Westover Terrace will be allowed. Lettering will be no greater than 16 inches in height. This signage is to be used as a neighborhood marker and not for the tenants of the building. The sign will be indirectly lighted.
- 11) Dumpsters shall be enclosed by a primarily brick or stone enclosure with opaque gate.
- 12) Outdoor speaker systems will be prohibited on premises.
- 13) The house located at 209 Westover Terrace will remain a single-family residence and will retain all uses allowed under RS-7 zoning.

#### DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 0.97 acre and is located at the northwest intersection of West Friendly Avenue and Westover Terrace.

|                  | <u>Zoning</u>   | <u>Land Use</u>            |
|------------------|-----------------|----------------------------|
| Subject Property | GB, RS-7, RM-18 | 4 single family dwellings  |
| North            | RS-7            | Single family dwelling     |
| East             | RS-7, RM-18     | 2 single family dwellings  |
| South            | RM-18, GB       | 3 businesses & parking lot |
| West             | GB              | 3 businesses               |

He stated that the Planning Department recommended approval of the request and that the Zoning Commission had voted to recommend denial of the request.

The following citizens spoke in favor of the proposal:

Jim Carson, 211 Westover Terrace, stated his residence was closest to the proposed building and that he supported the request because in his opinion, based on illustrations provided by the developer, the proposed restaurant and office buildings would fit in with the Westwood neighborhood and replace homes in dilapidated condition with a history of transient tenants. Mr. Carson spoke to his opinions with regard to the benefits and enhancements the services of the proposed restaurant and office could provide in the neighborhood.

Marty Kotis, III, with offices located at 1500 Mill Street, Suite 105, provided information to Council, spoke to other developments of his firm, the history of his ownership of the subject property, features of the proposed development, and meetings he held with neighborhood residents held to determine conditions for the proposal. Mr. Kotis stated that, in his opinion, the development was in keeping with the character of the neighborhood and as infill development would provide useful services to the community. He stated that a traffic study, conducted by the firm Neel Schaefer, indicated that the development would make the area safer for pedestrians and motorists because of the proposed curb cuts. He requested Council to support the request.

Following brief discussion about the condition of the existing property and characteristics of the proposed building, the City Attorney reminded Council that the illustration was for illustrative purposes only and that they could only consider conditions specified in the proposed ordinance.

Marsh Prause, residing at 516 Woodlawn Avenue, stated he was president of the Westwood Neighborhood Association and that the association's vote to assume a neutral position reflected that a significant number of association members saw merit in the proposal. At his request, a large majority of persons in the

Chamber stood to indicate their support for the proposal. Mr. Prause provided information to Council; explained how, in his opinion, the conditions of the proposal addressed all concerns of the neighborhood association; and requested approval of the proposal.

Jack Jezorek, residing at 1405 Fairmont Street, shared his opinions with respect to the positive impact he believed the development would have on the Westerwood neighborhood, UNCG employees and area residents.

The following speakers spoke in opposition to the request:

Phil Price, residing at 1509 West Friendly Avenue, stated that he was one of many residents who opposed the proposed rezoning and disputed statements made by Mr. Prause. Mr. Price stated that in his opinion, the proposed development would create traffic safety issues and was not an appropriate fit for the neighborhood. He stated that the motive for the developer's level of maintenance of the subject property was a moral issue and requested Council to deny the request.

Michael Park, residing at 1511 Northfield Street, stated he believed his residence was closest to the subject property, and that in his opinion, the proposed development would ruin the atmosphere of this corner of the neighborhood due to traffic safety issues.

Emma Parker, residing at 1511 Northfield Street, shared her opinions that the proposal posed a threat to the freedom of children in the neighborhood. She stated that, in her opinion, the building would not fit in with the neighborhood.

Sheila Steele, residing at 427 East Radiance Drive, stated that her neighborhood had not been contacted by the developer about his proposal. She presented a copy of a petition from the neighborhood and information that included photos and a report of traffic violations on Friendly Avenue. Ms. Steele cited traffic safety concerns with respect to Friendly Avenue and to tractor trailer deliveries to the proposed restaurant and spoke to conditions of other dilapidated homes in Greensboro that had been condemned.

Stewart Steele, residing at 427 East Radiance Drive, shared his concerns with respect to the impact of the development on traffic safety.

Tom Hildebrandt, residing at 317 Aberdeen Terrace, stated he planned to sell his home and move to 211 Aberdeen Terrace. He stated he was a professional appraiser, offered his opinion that the rezoning would lower property values in the area, and voiced his concerns related to parking. Council noted that the proposed development would have more parking than existing restaurants in the area.

Tim Hopkins, residing at 402 East Lake Drive, stated he owned the business, Accents Painting Restoration, and shared his opinion that the homes were prime candidates for renovation. He spoke to his experience with home renovation and landscaping in the neighborhood and requested Council to deny the request.

Joe Brown, residing at 1510 West Market Street, spoke to his experience with traffic ingress and egress on Friendly Avenue with respect to other businesses near the subject property and requested Council to deny the request.

The following speakers spoke in rebuttal and in favor of the request:

Ellen Curly, residing at 1503 Northfield Street, stated she had lived approximately one block from the subject property for over 27 years and that, in her opinion, this was a good opportunity for the neighborhood. She shared her opinion that the houses owned by Mr. Kotis were in the same condition now as they had been in the past; spoke to the percentage of residents in close proximity to the subject property who were in favor of the proposal and stated that a number of residents who originally signed the petition against the rezoning, became proponents after receiving more information.

Mr. Kotis stated that the houses on the subject property could not be made fit again in their current locations and that the houses could be saved by individuals willing to move them. He advised that the property was

zoned for multifamily housing which could replace the houses without further zoning modifications and spoke to the traffic impact study results which concluded there was not a safety threat from the proposed development.

The following speakers spoke in rebuttal against the request:

Joyce Lewis, residing at 215 Westover Terrace, shared with Council a 1988 memo from Tom Martin, Planning Director. She stated that a business zoning request had been denied at this location due to traffic flow and ingress and egress concerns and that in her opinion the request met the criteria of a spot zoning. She spoke to traffic concerns; cited numbers of cars on various roads in Greensboro for comparison with Friendly Avenue; and spoke to numbers of accidents in the vicinity of the subject property. In response to Councilmember Phillips, Ms. Lewis stated the information spanned the time period of 1990 through the present.

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The Mayor declared a recess at 10:20 p.m.

The Council reconvened at 10:30 p.m. with all members present.

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Mr. Martin noted that the zoning request denied in 1988 was for conditional use commercial for an ABC store; explained that the current request was a good example of why a conditional use infill ordinance was created; and noted that the Greensboro Department of Transportation conducted a traffic impact study that concluded traffic was not an issue.

He provided the following staff recommendation:

Item 14 – Friendly & Westover Terrace

The Planning Department recommends that this request, as amended, be approved.

This property has been proposed for rezoning on three separate occasions.

In 1971 it was proposed for commercial and then institutional but both requests were denied by the Zoning Commission.

In 1988 it was proposed for conditional use commercial for an ABC store and this request was denied by both the Zoning Commission and City Council.

Staff recommended denial and, in regard to the 1988 request, pointed out a concern about such a request creating pressure for additional properties along Westover Terrace to be rezoned for nonresidential uses.

Since the northernmost dwelling in the current request is being retained as a single family dwelling, thus creating a residential buffer property, staff feels this approach goes a long way toward addressing that type of concern.

Staff feels that this situation is a good example of why the Conditional Use – Planned Unit Development – Infill District was created.

Within the same zoning classification, it allows a mix of residential, commercial, office and neighborhood business uses on small tracts of land as infill development within currently built up areas.

Staff feels that the applicant has done an exceptional job in working with the neighborhood to develop conditions that will allow for redevelopment of this tract while at the same time respecting and protecting the character of the neighborhood.

Extensive conditions have been proposed which address land use, architecture, vehicular access, building setback,

lighting, signage and other restrictive features of the proposed development.

Council discussed aspects of the proposal at length. Councilmember Phillips explained that he was on the Zoning Commission in 1988, when the ABC proposal was denied. Advising that the two cases were not comparable, he stated that there were no conditions attached to the ABC proposal and that the ABC store was not in keeping with the residential neighborhood.

Various Council members stated they believed the proposal would enhance the neighborhood.

The Mayor expressed reservation and concern about the proposal, citing the poor condition of the houses on the subject property, the possible precedent setting for commercial creep in the neighborhood, and the desirability of natural boundaries. Councilmember Phillips debated reasons he suggested the case justified Council's opinion.

After Councilmember Burroughs-White expressed concerns with respect to safety, Transportation staff stated they supported the request based on traffic safety.

Councilmember Carmany moved to close the public hearing. The motion was seconded by Councilmember Phillips and unanimously adopted by voice vote of Council.

Councilmember Phillips thereupon moved adoption of the ordinance based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the potential uses of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because this property is adjacent to existing commercial zoning and development and because a use limitation for the northernmost property as a single family residential dwelling is included in this application as buffer to single family lots on the west side of Westover Terrace.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this proposal meets the Planned Unit Development – Infill intent to accommodate residential, commercial, office and neighborhood business uses on small tracts of land as infill development within currently built up areas and because extensive conditions have been proposed which address land use, architecture, vehicular access, building setback, lighting, signage and other restrictive features of the development.

The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Jessup, Johnson, Perkins and Phillips. Noes: Holliday and Vaughan.

#### 01-234 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

#### NORTHWEST INTERSECTION OF WEST FRIENDLY AVENUE AND WESTOVER TERRACE

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from General Business, RS-7 Residential Single Family, and RM-12 Residential Multifamily to Conditional Use – Planned Unit Development - Infill (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the western right-of-way line of Westover Terrace, said point being the southeast corner of Lot 11 as recorded in Plat Book 3, Page 154 and 155 in the Office of the Guilford

County Register of Deeds; thence with said western right-of-way line S04°31'08"W 49.97 feet to a point; thence S04°11'42"W 50.44 feet to a point; thence S04°21'43"W 118.23 feet to a point; thence leaving said western right-of-way line along a curve to the right a chord bearing and distance of S54°01'33"W 37.76 feet (radius = 25.00 feet) to a point in the northern right-of-way line of West Friendly Avenue; thence with said northern right-of-way line along a curve to the right a chord bearing and distance of N73°01'29"W 104.27 feet (radius = 725.58 feet) to a point in the eastern 20-foot right-of-way of an alley; thence along said eastern right-of-way line N00°29'32"E 120.59 feet to a point; thence along a curve to the left a chord bearing and distance of N24°58'38"W 45.55 feet (radius = 56.51 feet) to a point; thence with the northern 15-foot right-of-way for an alley as recorded in Plat Book 6, Page 207 N63°23'46"W 79.95 feet to a point in the eastern right-of-way line of Aycock Street; thence with said eastern right-of-way line N23°34'14"E 23.29 feet to a point; thence N22°02'22"E 60.77 feet to a point, said point being a southwest corner of Board of Transportation as recorded in Deed Book 1373, Page 140; thence with the southern line of Board of Transportation S86°19'47"E 39.17 feet to a point; thence with the western line of said Lot 11 S00°58'17"E 49.85 feet to a point; thence with the southern line of said Lot 11 S85°25'03"E 164.88 feet to the point and place of BEGINNING.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) All uses allowed in CU-PDI exclusive of restaurants with drive-through service or bars or nightclubs.
- 2) There will be no curb cuts on Westover Terrace.
- 3) The principal building will be a maximum of two stories and made primarily out of brick, in the early 20<sup>th</sup> century style. Windows and doors will be in keeping in appearance with the period and bordered by stone or pre-cast concrete.
- 4) The first floor of the principal building will be used exclusively for a sit-down restaurant. The second floor will be used exclusively as office space. The restaurant entrance will face Friendly Avenue, and the entrance to the second story office space will be at the back of the building facing north. The roof will be obscured from view by the façade of the building.
- 5) No building will reach a height greater than 34 feet.
- 6) The building setback line from Westover Terrace will be a minimum of 20 feet and a maximum of 25 feet. The building setback line from Friendly Avenue will be a minimum of 20 feet and a maximum of 25 feet. The minimum building setback from the northern property line will be 5 feet (due to existing building) and the minimum building setback from the alley property line will be 25 feet.
- 7) Lightpoles will not exceed a height of 15 feet and will be designed to be in keeping with the period of the neighborhood. Light will be directed downward and away from residential areas.
- 8) A brick wall with a maximum height of 4 feet will be constructed from a point approximately 65 feet from the northeast corner of the property for a distance of approximately 140 feet along Westover Terrace. This wall will not enclose the house located at 209 Westover Terrace.
- 9) Freestanding signs shall be limited to a maximum of 12 feet in height and will have a decorative base. Other signage shall meet GB requirements.
- 10) In addition to the signage highlighted in #9, one wall-mounted sign designed for the 4-foot wall that will run along Westover Terrace will be allowed. Lettering will be no greater than 16 inches in height. This signage is to be used as a neighborhood marker and not for the tenants of the building. The sign will be indirectly lighted.
- 11) Dumpsters shall be enclosed by a primarily brick or stone enclosure with opaque gate.
- 12) Outdoor speaker systems will be prohibited on premises.
- 13) The house located at 209 Westover Terrace will remain a single-family residence and will retain all uses allowed under RS-7 zoning.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.



Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Thomas M. Phillips

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-12 Residential Single Family to Conditional Use- Limited Business for property located on the north side of Lee's Chapel Road between Mitchell Avenue and Glenside Drive. He stated this matter being heard on appeal filed by Virendra Sethiya after receiving a 5-4 vote of the Zoning Commission to recommend denial of the rezoning.

Mr. Martin outlined the request, presented a land use map and slides of the surrounding area and provided the following staff presentation:

#### REQUEST – ITEM 15

This request is to rezone property from RS-12 Residential Single Family to Conditional Use – Limited Business.

The RS-12 District is primarily intended to accommodate single family detached dwellings at a density of 3.0 units per acre or less.

The Limited Business District is primarily intended to accommodate moderate intensity shopping and services close to residential areas.

#### CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses limited to convenience stores (with or without fuel pumps).

#### DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 0.39 acre and is located on the north side of Lees Chapel Road between Mitchell Avenue and Glenside Drive.

|                  | <u>Zoning</u> | <u>Land Use</u>           |
|------------------|---------------|---------------------------|
| Subject Property | RS-12         | Nonconforming curb market |
| North            | RS-40, RS-9   | Vacant                    |
| East             | RS-12         | Single family dwelling    |
| South            | RS-12         | Single family dwelling    |
| West             | RS-9          | Single family dwelling    |

Mr. Martin stated the Planning Department and Zoning Commission had recommended denial of the request.

The Mayor administered the oath to those who wished to speak to this matter.

The following speakers spoke in favor of the request:

Scott Gayle, attorney representing the petitioners, provided an information packet to Council and stated he would question his clients to assist with their stating of information to the Council.

Virendra Sethiya, residing at 33 Holly Springs Lane, stated he and his wife owned the convenience store. He spoke to the history of the zoning, leasing, ownership, parking and improvements of the property; and the loss of grandfathered permission to sell gas there. He stated that, in his opinion, providing gasoline sales at this location would benefit the neighborhood and presented a petition from neighbors who supported the request.

After Councilmember Carmany stated that the petition was not notarized, the City attorney advised that the petition was inadmissible as evidence in the hearing.

Mr. Gayle summarized the request and stated his client planned to make repairs to the gas tanks that the former business owner had failed to make, which had resulted in the termination of gasoline sales for a period greater than one year and the loss of grandfathered rights. He stated that the conditional use zoning would meet the needs of the neighborhood and his clients and requested Council to approve the proposal.

The Mayor asked if anyone wished to speak in opposition to this matter.

There being no one present wishing to oppose the request, Mr. Martin provided the following staff recommendation:

#### Item 15 – Lees Chapel Road

The Planning Department recommends that this request be denied.

This property was purposely made nonconforming when it was annexed in 1984 and single family residential zoning was initially placed on it.

This request is not compatible with the Pisgah Church Road/Lees Chapel Road Corridor Plan which calls for this area to remain as single family low density residential.

In fact, the plan did not even recommend commercial zoning for the Lees Chapel Road/Yanceyville Street intersection, recommending that this intersection should be developed as a mixed single-family and moderate density multifamily residential node.

The plan went on to state that additional commercial development at this intersection should be discouraged, given the nearby Church Street Crossing shopping center less than a mile to the west.

Staff feels, given the plan and the existing residential zoning pattern in this vicinity, that this request constitutes spot zoning.

Councilmember Johnson moved adoption of the ordinance. The motion died for lack of a second.

Council discussed various aspects of the proposal and the principles of grand fathered zonings. Several Council members stated they would support the proposal because there was no opposition to the request and there appeared to be a need for the business in this community. Several council members spoke to the intent of grand fathering laws and expressed concern with respect to setting a conflicting precedent if the proposal was approved.

Councilmember Phillips moved that the ordinance be denied based on the following findings of fact:

- 1) The location and character of the development in accordance with the proposed conditions will not be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because the Pisgah Church Road/Lees Chapel Road Corridor Plan calls for this area to remain single family low density residential and this request is a clear example of spot zoning which would be incompatible with the plan of development for this area.

The motion was seconded by Councilmember Carmany; the ordinance was denied on the following roll call vote: Ayes: Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: Burroughs-White, Jessup and Johnson.

(A copy of the ordinance is filed in Exhibit Drawer N, Exhibit Number N33 and is hereby referred to and made a part of these minutes).

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located on Grandover Plat, Phase 2, Section 6-8 - 2.120 acres.

He asked if anyone wished to be heard. There being no one present wishing to speak to this matter, Mr. Martin provided brief comments.

Councilmember D. Vaughan thereupon moved adoption of the ordinance. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

**01-236 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON GRANDOVER PLAT, PHASE 2, SECTION 6-8 – 2.120 ACRES)**

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point on the southeast right of way of Cresswell Court (private street) said point having N.C. grid coordinates as follows: North 819,608.99 East, 1,740.911.04; thence, crossing Cresswell Court, North 51 degrees 43 minutes 44 seconds West for a distance of 50.00 feet to a point on the northwest right of way of Cresswell Court, thence with the northwest right of way of Cresswell Court along a curve to the left having a radius of 275.00 feet and an arc length of 81.13 feet, being subtended by a chord of North 29 degrees 49 minutes 08 seconds East for a distance of 80.84 feet to a point; thence, crossing Cresswell Court, South 68 degrees 38 minutes 00 seconds East for a distance of 50.00 feet to a point on the southeast right of way of Cresswell Court,; thence, South 61 degrees 31 minutes 20 seconds East for a distance of 171.85 feet to a point; thence, South 04 degrees 20 minutes 51 seconds West for a distance of 357.07 feet to a point; thence, South 02 degrees 35 minutes 39 seconds West for a distance of 77.32 feet to a point; thence, North 47 degrees 16 minutes 57 seconds West for a distance of 43.79 feet to a point; thence, North 43 degrees 46 minutes 24 seconds West for a distance of 373.39 feet to a point on the southeast right of way of Cresswell Court; thence, with the southeast right of way of Cresswell Court along a curve to the left, having a radius of 345.00 feet and an arc length of 97.61 feet, being subtended by a chord of North 46 degrees 24 minutes 54 seconds East for a distance of 97.28 feet to a point; thence, with the southeast right of way of Cresswell Court, North 38 degrees 16 minutes 16 seconds, East for a distance of 84.00 feet to the POINT AND PLACE OF BEGINNING, containing 2.120 acres more or less.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after February 28, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 4/12 of the total amount of taxes that would be due for the entire fiscal year. The due

date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after February 28, 2002.

(Signed) Donald R. Vaughan

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to a Zoning, Planning and Development Text Amendment, Temporary Signs, to delete existing Subsections (C) and (D) and to combine the deleted subsections with Subsection (B), renamed "Pole Mounted Banners".

The Mayor asked if anyone wished to be heard. There being no one present wishing to speak to this matter, Mr. Martin provided a brief explanation of the ordinance.

Councilmember Johnson thereupon moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 01-237 AMENDING CHAPTER 30

#### AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-5-5.16, Temporary Signs, be amended by deleting sub-sections C, and D (entitled, Banners in the Central Business District; and Banners in Downtown National Registered Historic District, respectively).

Section 2. That Section, 30-5-5.16 (B), entitled, Banners Adjacent to Government Buildings or Complexes, Colleges or University Complexes, is hereby renamed to "Pole-Mounted Banners," and rewritten to read as follows:

“(1) Where Permitted:

The installation of pole-mounted banners is designed to contribute to the aesthetic enhancement of designated areas. For this purpose, they should provide dynamic and colorful displays that unify the area in which they are to be placed. Pole-mounted banners shall have a unifying theme in their content and shall be permitted as follows:

- (a) Along streets in the Central Business District (bounded by Fisher Street, Spring Street, Lee Street and Murrow Boulevard); along streets in the Downtown National Register Historic District; and along streets adjacent to government buildings or complexes, adjacent to college or university campuses, or adjacent to any City-initiated public improvement project.
- (b) Along Coliseum Boulevard, Lee Street, High Point Road, Patterson Street, Ellington Street from High Point Road to Coliseum Boulevard, and Hanner Street from Patterson Street to Ellington Street in recognition of the Coliseum Complex and its tenants.
- (c) Along Murrow Boulevard from East Market Street to Lindsay Street, East Friendly Avenue from Dudley Street-Bennett Street to Church Street, and East Market Street from Church Street to English Street to recognize the East Market Street redevelopment effort.

(2) General Requirements:

- (a) Application:
  - (i) Any person seeking to erect pole-mounted banners in the City of Greensboro street right-of-way shall submit an application on a form provided by the Planning Department.
  - (ii) Banner applications must be submitted by non-profit, governmental, civic, fraternal, social, and service organizations.
  - (iii) An application fee of ten dollars (\$10.00) per banner up to a maximum of one hundred dollars (\$100.00) is required, except for banners in the Central Business District, which do not require application fees.
  - (iv) Required Attachments:
    - (a) Map showing location of banners;
    - (b) Verification that the banner's construction is able to withstand the average prevailing winds during the month(s) displayed;
    - (c) Approval by both the Building Inspector and the Fire Inspector; and
    - (d) Letter of permission from the proper utility company and/or property owner, holding the city harmless, if a banner is being attached to or erected from any pole owned by the utility company.
  - (v) A certificate of fire retardancy and samples of the material shall be submitted to the fire prevention bureau for approval.
  - (vi) Final approval will be made and a permit issued by the Planning Director.
  - (vii) No banner shall be erected until a permit is issued.
- (b) Maximum Copy Sizes:
  - (i) Pole-mounted banners are limited in size to twenty-four (24) square feet.
  - (ii) Commercial advertising on banners, as allowed in subsection (d), is limited to ten percent (10%) of banner surface area.
- (c) Minimum Heights: No banner shall be placed at a height of less than seven (7) feet above the sidewalk in order not to impede pedestrian traffic nor at a height of less than fourteen (14) feet above the vehicular travelway in order not to impede vehicular traffic.
- (d) Commercial Advertising Copy: Banners shall not contain advertising copy except for business name, logo, and trademark as allowed above in subsection (2)(b)(ii).
- (e) Repair and/or Removal:
  - (i) An Enforcement Officer or Fire Prevention Inspector can require the immediate repair and/or removal of any banner deemed unsafe. Any approval permit is subject to review and reissuance at least once every six months at which time fire retardancy, attachment, and similar safety items of each banner shall be checked.
  - (ii) Any banner which becomes worn or tattered shall be removed immediately and may be replaced with a banner which is similar in nature.

(3) Construction Material:

Banners shall be constructed of durable acrylic-coated marine (or acrylic- coated woven polyester, or other blend) exterior fabrics which are warranted for their color fastness and durability. Banners constructed of 100% nylon or 100% cotton duck or other natural fiber blends are strongly discouraged. Banners shall be able to withstand the average prevailing winds in the month(s) they are to be displayed and must meet standards of the NC Building Code. Banner material must arrive from the manufacturer with certification of flame retardancy, or the banner material must be made flame retardant by chemical treatment; in any event, no banner shall be erected in the City of Greensboro that is not flame retardant.

(4) Mounting Devices:

Banner mounting devices shall have structural integrity, be weather-resistant, and be crafted of a durable, non-corroding material. Attachment hardware and mounting devices shall meet the NC Building Code specifications and have the approval of Duke Power Company.

(a) Rigid: Banners may be mounted by two horizontal bracket arms that hold the banner taut.

(b) Semi-rigid: Banners may be mounted by a single fixed horizontal bracket arm that holds the banner at the top, and a grommet fixture that holds the banner at the corner closest to pole at the bottom. Banners that are mounted with a grommet must also have a steel break-away cable, or similar device, not including cords, in place such that if the grommet were to tear through the material, the banner would still maintain a reasonably stable disposition. Banners mounted with a grommet must also be weighted at the bottom, such that the bottom of the banner will hang taut and straight in calm wind conditions.

(5) Liability:

The City of Greensboro shall not be responsible for any damage incurred while banners are displayed, or while they are being installed or removed. The City of Greensboro shall not assume any liability in the event that property damage or personal injury results from the installation, removal, or other activities associated with pole-mounted banners.”

Section 3. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

(Signed) Yvonne J. Johnson

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing Blunt Street from Hewitt Street southward to its end, a distance of approximately 368 feet. The Mayor asked if anyone wished to speak to this matter. There being no one wishing to be heard, Councilmember Johnson moved adoption of the item. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

237-01 RESOLUTION CLOSING BLUNT STREET FROM HEWITT STREET SOUTHWARD TO ITS END, A DISTANCE OF APPROXIMATELY 368 FEET

WHEREAS, the owner of all of the property abutting both sides of Blunt Street has requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, December 18, 2001, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned portion of street has requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

BLUNT STREET FROM HEWITT STREET SOUTHWARD TO ITS END, A DISTANCE OF APPROXIMATELY 368 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Yvonne J. Johnson

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Mayor Holliday stated this was the time and place set for a public hearing to consider a resolution closing Fentress Street from the old Inman-Fitzgerald property line northward then westward to its end, a distance of approximately 300 feet.

The Mayor asked if anyone wished to be heard. There being no one present wishing to speak to this matter, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

238-01 RESOLUTION CLOSING FENTRESS STREET FROM THE OLD INMAN-FITZGERALD PROPERTY LINE NORTHWARD THEN WESTWARD TO ITS END, A DISTANCE OF APPROXIMATELY 300 FEET

WHEREAS, the owners of all of the property abutting both sides of Fentress Street requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, December 18, 2001, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of street have requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

FENTRESS STREET FROM THE OLD INMAN-FITZGERALD PROPERTY LINE NORTHWARD  
THEN WESTWARD TO ITS END, A DISTANCE OF APPROXIMATELY 300 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Yvonne J. Johnson

.....

Moving to the Consent Agenda, Councilmember Phillips moved adoption of the Consent Agenda. The motion was seconded by Councilmember Vaughan; the consent agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

239-01 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 1999-17 WITH CROWDER CONSTRUCTION COMPANY, INC., FOR T.Z. OSBORNE WASTEWATER RECLAMATION FACILITY

WHEREAS, Contract No. 1999-17 with Crowder Construction Company, Inc., provides for the T.Z. Osborne Wastewater Reclamation Facility expansion project;

WHEREAS, 19 specific additions to the contract have been requested in the amount of \$145,343.41 and 2 specific deletions have been requested in the amount of \$123,072.84, thereby necessitating a change order in the contract in the amount of \$22,270.57.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Crowder Construction Company, Inc. for the T. Z. Osborne Wastewater Reclamation Facility Improvements is hereby authorized at a total cost of \$22,270.57, payment of said additional amount to be made from Account No. 509-7055-01-6013.

(Signed) Thomas M. Phillips

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240-01 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 1999-17 WITH CROWDER CONSTRUCTION COMPANY FOR THE TZ OSBORNE WASTEWATER RECLAMATION FACILITY

WHEREAS, the City has contracted with Crowder Construction Company to complete the TZ Osborne Wastewater reclamation facility 30 MGD expansion and Upgrade Phase III, Contract 3 improvements;

WHEREAS, in order to secure the best possible bid for the completion of the project, the City elected to not put the contractor at risk for equipment which may have been damaged or deteriorated on the site, along with



several additional repairs needed to be made by the contractor, rather than by in-house maintenance which the contractor did not include in their original bid, thereby necessitating a change order in the amount of \$161,152.12.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Crowder Construction Company for the T Z Osborne WW Reclamation Facility 30 MGD Expansion and Upgrade Phase III, Contract 3 Improvements is hereby authorized at a total cost of \$161,152.12, payment of said additional amount to be made from Account No. 509-7056-01-6013.

(Signed) Thomas M. Phillips

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#### 241-01 RESOLUTION AUTHORIZING AND APPROVING SALE OF LAND TO JOE MATHES

WHEREAS, the City of Greensboro owns residual property located 2210 Britton Street, Tax Map Number 107-1-54, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Joe Mathes, has offered to purchase the property above the appraised value and asking price, in the amount of \$11,500.00, which amount, in the opinion of the City Council is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.122 of the City Charter, the offer in the amount of \$11,500.00 is hereby approved and the sale of land to Joe Mathes in accordance with the offer is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Thomas M. Phillips

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#### 242-01 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF PERDUE BROTHERS, INC. FOR THE SOUTH BUFFALO CREEK STORM WATER TREATMENT/WETLAND PROJECT

WHEREAS, in connection with the South Buffalo Creek Storm Water Treatment/Wetland project, the property owned by Perdue Brothers, Inc., Tax Map No. 468-5-5, is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$17,000.00 and the owner has agreed to settle for the price of \$18,700.00, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$18,700.00 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 220-6550-01.5288.

(Signed) Thomas M. Phillips

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243-01 RESOLUTION CALLING A PUBLIC HEARING FOR JANUARY 15, 2002 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 2520 PREDDY BOULEVARD (I-85 SOUTH) – 2.46 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 18th day of December, 2001, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 2520 PREDDY BOULEVARD (I-85 SOUTH) – 2.46 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of September 30, 2001, said point being the northeast corner of Lot 2 of Shilo East Farms, Two, Inc., recorded at Plat Book 92, Page 135 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 60° 48' 45" W 317.80 feet along the southeast line of said lot to a point; thence S 58° 40' 12" W 155.52 feet along the southeast line of said lot to a point; thence S 57° 46' 00" W 165.20 feet along the southeast line of said lot to a point; thence S 56° 36' 16" W 48.13 feet along the southeast line of said lot to the southwest corner line of said lot; thence N 04° 23' 40" E 394.90 feet along the west line of said lot to the northwest corner of said lot, a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 85° 34' 52" E 561.63 feet to the point and place of BEGINNING, and containing approximately 2.46 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, January 15, 2002, at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than January 5, 2002.

(Signed) Thomas M. Phillips

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244-01 RESOLUTION IDENTIFYING THE AREAS UNDER CONSIDERATION FOR ANNEXATION BY  
THE CITY OF GREENSBORO

WHEREAS, municipal growth through annexation is essential to sound urban development and continued economic development in Greensboro and Guilford County; and

WHEREAS, the North Carolina General Statutes provide for annexation by municipalities according to certain legislative standards, and with the provision of certain services; and

WHEREAS, there are areas adjacent to the City of Greensboro that may be eligible for annexation under the North Carolina General Statutes; and

WHEREAS, the City Council is in the process of considering areas for possible annexation and plans to review those areas under consideration annually; and

WHEREAS, North Carolina General Statute 160A-49(i) provides that a Resolution of Consideration must be adopted by the City Council at least one year prior to the Resolution of Intent to Annex in order to begin the City-initiated annexation procedure and make it effective within a year after the date of passage of the annexation ordinance; and

WHEREAS, the City of Greensboro adopted two Resolutions of Consideration on December 31, 1992 and December 30, 1993, identifying the exact same areas; and

WHEREAS, the City of Greensboro adopted a third Resolution of Consideration on December 18, 1995 identifying the same areas as well as additional areas; and

WHEREAS, the City of Greensboro adopted a fourth Resolution of Consideration on December 16, 1997 identifying the same areas as well as additional areas; and

WHEREAS, the City of Greensboro adopted a fifth Resolution of Consideration on December 7, 1999 identifying the same areas; and

WHEREAS, the effect of this resolution is to extend until December 18, 2003, the duration of Resolution 309-92 adopted by the City Council on December 31, 1992, Resolution 270-93 adopted by the City Council on December 30, 1993; Resolution 255-95 adopted by the City Council on December 18, 1995; Resolution 249-97 adopted by the City Council on December 16, 1997; and Resolution 209-99 adopted by the City Council on December 7, 1999; and

WHEREAS, the effect of this resolution is also to readopt the exact boundaries as shown on the attached map;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA:

Section 1 - That all areas described on Attachment A (2001-2003 Resolution of Consideration Map) are under consideration for annexation by the City of Greensboro.

Section 2 - That all areas described on Attachment A (2001-2003 Resolution of Consideration Map) and shaded in blue were a part of Resolutions 309-92, 270-93, 255-95, 249-97, or 209-99 and continue to be under consideration for annexation by the City of Greensboro.

Section 3 - That persons owning agricultural land, horticultural land, or forestland that is, or may become, eligible for present-use value appraisal and present-use value taxation are hereby notified that such eligible properties, upon annexation, shall have limited obligations and rights pursuant to N.C. General Statutes 160A-49 (f1) and (f2). N.C.General Statutes 160A-49(f2) provides:

(1) Upon the effective date of the annexation ordinance, the property is considered part of the city only (i) for the purpose of establishing city boundaries for additional annexations pursuant to this Article and (ii) for the exercise of city authority pursuant to Article 19 of this Chapter.

(2) For all other purposes, the annexation becomes effective as to each tract of such property or part thereof on the last day of the month in which that tract or part thereof becomes ineligible for classification pursuant to G.S. 105-227.4 or no longer meets the requirements of subdivision (f1) (2) of this section. Until annexation of a tract or a part of a tract becomes effective pursuant to this subdivision, the tract or part of a tract is not subject to taxation by the city under Article 12 of Chapter 105 of the General Statutes nor is the tract or part of a tract entitled to services provided by the city.

Section 4 - That this Resolution and Map shall be on file in the Office of the City Clerk of the City of Greensboro for inspection by citizens of the city and the surrounding area.

Section 5 - That this Resolution shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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01-238 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR A TREE CENSUS FOR THE PLANNING DEPARTMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 01-02 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

| <u>Account</u>   | <u>Description</u>  | <u>Amount</u> |
|------------------|---------------------|---------------|
| 220-2050-01.5413 | Consultant Services | \$6,460       |

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund account:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|--------------------|---------------|
|----------------|--------------------|---------------|

220-2050-01.9101                      Transfer from General Fund                      \$6,460

(Signed) Thomas M. Phillips

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239-01    ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANT FUND PROJECT BUDGET  
FOR FY 2001-2002 FOR THE EZ-LTSA HISPANIC SERVICES GRANT BUDGET FOR THE  
GREENSBORO PUBLIC LIBRARIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

| <u>Account</u>   | <u>Description</u>            | <u>Amount</u> |
|------------------|-------------------------------|---------------|
| 220-5553-01.5213 | Office Supplies               | \$    275     |
| 220-5553-01.5224 | Outside Printing & Publishing | 400           |
| 220-5553-01.5239 | Miscellaneous Supplies        | 1,038         |
| 220-5553-01.5261 | Materials                     | 8,850         |
| 220-5553-01.5413 | Contracted Services           | <u>29,287</u> |
| Total            |                               | \$ 39,850     |

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund accounts:

| <u>Account</u>   | <u>Description</u> | <u>Amount</u> |
|------------------|--------------------|---------------|
| 220-5553.01.7110 | State Grant        | \$ 39,850     |
| Total            |                    | \$ 39,850     |

(Signed) Thomas M. Phillips

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245-01    RESOLUTION APPROVING THE SALE OF 344, 346 AND 348 MCADOO STREET, 314 MURRAY STREET (REAR PORTION ONLY), 351 MARTIN LUTHER KING, JR. DRIVE, 317 MURRAY STREET AND TAX LOTS 16-8-3 AND 16-8-10 (FORMER BETTER BRAKE SHOP) FROM THE REDEVELOPMENT COMMISSION OF GREENSBORO TO GREENSBORO HOUSING DEVELOPMENT PARTNERSHIP (GHDP).

WHEREAS, the Redevelopment Commission of Greensboro currently owns eight lots in the Southside neighborhood located at 344, 346 and 348 McAdoo Street, 314 Murray Street, 351 Martin Luther King, Jr. Drive, 317 Murray Street and tax lots 16-8-3 and 16-8-10;

WHEREAS, the Greensboro Housing Development Partnership (GHDP) will development and market these lots as part of the Southside Development Plan;

WHEREAS, the proceeds from the sale will be returned to the Neighborhood Revitalization Bond fund established for the redevelopment of the Southside Area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the sale of the above mentioned property from the Redevelopment Commission of Greensboro to the Greensboro Housing Development Partnership is hereby approved.

(Signed) Thomas M. Phillips

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246-01 RESOLUTION AMENDING RESOLUTION 234-01 ADOPTED BY THE CITY COUNCIL ON DECEMBER 4, 2001 APPROVING ADDITIONAL FUNDING TO GREENSBORO HOUSING DEVELOPMENT PARTNERSHIP FOR STABILIZATION OF 420 MCCULLOCH STREET TO REFLECT AN ADDITIONAL AMOUNT

WHEREAS, on December 4, 2001 the City Council adopted Resolution 234-01 approving additional funding in the amount of \$22,500.00 for the continued stabilization of 420 McCulloch Street;

WHEREAS, since the adoption of the resolution, Greensboro Housing Development Partnership has received a change in the cost of the exterior painting in the amount of \$2,329.00;

WHEREAS, Greensboro Housing Development Partnership requests that Resolution 234-01 be amended to reflect a total amount of \$24,829.00 to include the additional exterior painting request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Resolution 234-01 is amended to reflect the total additional funding to the Greensboro Housing Development Partnership in the amount of \$24,829.00 for the continued stabilization of 420 McCulloch Street.

(Signed) Thomas M. Phillips

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251-01 RESOLUTION AUTHORIZING USE OF GENERAL FUND DOWNTOWN DEVELOPMENT ALLOCATION FOR TRIAD STAGE PROJECT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 01-02 Budget of the City of Greensboro is hereby adjusted as follows:

That the appropriation to the General Fund be adjusted as follows:

| <u>Account:</u>  | <u>Description:</u>               | <u>Amount:</u> |
|------------------|-----------------------------------|----------------|
| 101-9520-02.5931 | Contribution to Non-Govt Agencies | \$125,000      |

And, that this increase be financed by decreasing the following General Fund accounts:

| <u>Account:</u>  | <u>Description:</u>               | <u>Amount:</u> |
|------------------|-----------------------------------|----------------|
| 101-9545-23.5931 | Contribution to Non-Govt Agencies | \$125,000      |

(Signed) Thomas M. Phillips

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A motion to schedule a City Council Work Session on January 16, 2002 beginning at 1:00 p.m. in the Plaza Level Conference Room was adopted.

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A motion to approve minutes of regular meeting of 20 November 2001 and regular and organizational meetings of 4 December 2001 was adopted.

.....

The Mayor introduced an ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to Administration (to reschedule District 5 City Council meeting on January 29, 2002). Councilmember Vaughan moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

01-240 RESOLUTION AUTHORIZING USE OF GENERAL FUND DOWNTOWN DEVELOPMENT  
ALLOCATION FOR TRIAD STAGE PROJECT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 01-02 Budget of the City of Greensboro is hereby adjusted as follows:

That the appropriation to the General Fund be adjusted as follows:

| <u>Account:</u>  | <u>Description:</u>               | <u>Amount:</u> |
|------------------|-----------------------------------|----------------|
| 101-9520-02.5931 | Contribution to Non-Govt Agencies | \$125,000      |

And, that this increase be financed by decreasing the following General Fund accounts:

| <u>Account:</u>  | <u>Description:</u>               | <u>Amount:</u> |
|------------------|-----------------------------------|----------------|
| 101-9545-23.5931 | Contribution to Non-Govt Agencies | \$125,000      |

(Signed) Donald R. Vaughan

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Mayor Holliday passed the gavel to Mayor Pro-Tem Johnson to read into the record a resolution endorsing Action Greensboro. Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan.

247-01 RESOLUTION ENDORSING ACTION GREENSBORO

WHEREAS, Action Greensboro, a non-profit organization, was formed and funded in April, 2001 by the Joseph M. Bryan Foundation, CEMELA Foundation, Community Foundation of Greater Greensboro, Moses Cone Wesley Long Community Health Foundation, Tannenbaum-Sternberger Foundation, and Weaver Foundation;

WHEREAS, Action Greensboro was developed after The McKinsey Report was completed in November, 2000 in order to promote and strengthen Greensboro's long-term economic outlook;

WHEREAS, upon the formation of Action Greensboro, six task forces were established to develop recommendations to tackle key issues relating to enhancing Greensboro's economic vitality;

WHEREAS, the task forces are Attraction and Retention of Young Professionals, Center City, Greensboro's Brand/Image, Public Schools, Retention, Enhancement and Recruitment of Business and Industry, Small Business Development and Entrepreneurship;

WHEREAS, having a vibrant economic community is crucial for promoting economic development and recruiting companies and top-level talent and will require the involvement and commitment by business and civic leaders as well as the community;

WHEREAS, it is the desire and intent of the City of Greensboro to explore avenues to partner with Action Greensboro for the economic development and benefit of this community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO,

That the City Council of the City of Greensboro endorse Action Greensboro's plan for economic development of the City.

That the City of Greensboro explore avenues for partnering with Action Greensboro in order to implement a plan to revitalize Downtown Greensboro and further expand opportunities for development of our City in all avenues.

(Signed) Yvonne J. Johnson

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Mayor Holliday thereupon read into the record a resolution supporting the location in Guilford County of the Federal Express Regional Processing Facility. Following brief remarks by Councilmember Phillips, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan. Noes: None.

**248-01 RESOLUTION SUPPORTING THE LOCATION IN GUILFORD COUNTY OF THE FEDERAL EXPRESS REGIONAL PROCESSING FACILITY**

WHEREAS, in 1998 Federal Express made plans to acquire approximately 175 acres of land and build a regional processing facility in Guilford County in the vicinity of the Piedmont International Airport, which was supported by City Council;

WHEREAS, Federal Express is one of the world's leading logistics and transportation companies and has been ranked one of the best employers in America;

WHEREAS, it is anticipated that Federal Express will invest nearly \$300 million and employ up to 1,500 persons over a five-year period;

WHEREAS, the addition of Federal Express to the community will be a boost to the local economy while making the Triad more attractive for additional business relocation;

WHEREAS, the Environmental Impact Statement was approved and released by the FAA on November 16, 2001;

WHEREAS, there have been numerous public hearings for comments and citizens have expressed their views of the Federal Express Hub;

WHEREAS, the composition of Council has changed by 1/3 since 1998 and it is the desire of the new council to express its support of the Federal Express location;



WHEREAS, the Mid-Atlantic hub is a very important regional project that will be a catalyst for new investment and job creation throughout the Piedmont Triad region, the impact of which has been estimated by the Federal Aviation Administration to be over 16,000 jobs, \$7.5 billion in total economic impact, \$633 million in new state tax revenues, and \$212.5 million in local tax revenues over the period 2005-2019;

WHEREAS, the Federal Express Mid-Atlantic hub will provide a much needed economic stimulus to the entire region, which must work together if the region is to maximize its economic potential and the quality of services provided to the region's citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City Council hereby supports the location of the Federal Express Regional Processing Facility in Guilford County.

(Signed) Claudette Burroughs-White

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After the Mayor resumed the gavel, Councilmember Perkins read into the record a resolution honoring Thomas H. Ward, Jr. Councilmember Perkins moved adoption of the resolution; the motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips, and Vaughan. Noes: None.

#### 249-01 RESOLUTION HONORING THOMAS H. WARD, JR.

WHEREAS, Thomas H. Ward, Jr. was named Executive Director of the Sports Commission when it was established in 1989, at a time when there were only 22 sports commissions in the nation;

WHEREAS, Mr. Ward has announced his retirement as president and CEO of the Greensboro Sport Commission citing health reasons;

WHEREAS, Mr. Ward is a founder of the National Association of Sports Commissions, serving on its first Board of Directors, and the Greensboro Sports Commission is frequently cited as a model for similar agencies;

WHEREAS, Mr. Ward served on the Board of Directors of the North Carolina Sports Development Commission and is a past President and Chairman of the Board of the Greensboro Sports Council;

WHEREAS, during Mr. Ward's tenure as Executive Director of the Sports Commission, Greensboro hosted three BASS Master's Classic in the 1990s;

WHEREAS, the Sports Commission helped bring some 45 events to Greensboro in 2001, with an estimated economic impact of nearly \$22 million and Greensboro typically ranks in the Top 20 in terms of annual economic impact;

WHEREAS, prior to the Sports Commission Mr. Ward enjoyed a successful career as a human relations executive, working for such companies as Texfi Industries, Cone Mills Corporation, and Boren Clay Products Company, the nation's 7<sup>th</sup> largest brick manufacturer;

WHEREAS, Mr. Ward's affiliations include the City of Greensboro Human Relations Commission where he served as Vice Chairman, the Mayor's Commission on Handicapped, and the Governor's and President's Committee on Handicapped, and various administration capacities with the Boy Scouts.

WHEREAS, on behalf of the citizens of Greensboro, the City Council wishes to express their appreciation for the contributions Mr. Ward has made to the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro the deepest respect and gratitude to Thomas H. Ward, Jr. for the contributions he has made cultivating Greensboro's role as a leading sports destination for amateur athletic events at the state, regional, national and international levels.

(Signed) Robert V. Perkins

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Councilmember Johnson moved that Jerono Rotich be appointed to the commission on the Status of Women. The motion was seconded by Councilmember Perkins and unanimously adopted by voice vote of Council.

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Councilmember Carmany placed the name of Martin Rosenberg in the Boards and Commissions data bank for consideration of future service for the Greensboro Community Television Board.

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Referencing a recent Piedmont Area Regional Transportation Board Meeting, Councilmember Carmany stated that a portion of the urban link had been fully funded.

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Mayor Holliday placed the name of Edward Ross in the boards and commissions data bank for consideration of future service.

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Councilmember Carmany moved that Council adjourn. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council. The meeting was adjourned at 11:45 p.m.

Susan E. Crotts  
Deputy City Clerk

Keith A. Holliday  
Mayor

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